

**SUMMARY OF THE
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING
FEBRUARY 20, 2002**

The Environmental Laboratory Advisory Board (ELAB) met by teleconference on Wednesday, February 20, 2002, at 11:00 a.m., Eastern Standard Time (EST). The meeting was led by its chair, Zonetta English of Louisville and Jefferson County MSD. A list of action items is given in Attachment A. A list of participants is given in Attachment B. *The purpose of the meeting was to address items of importance identified below.*

INTRODUCTION

The meeting was called to order by ELAB's Designated Federal Officer (DFO), Edward Kantor of the U.S. Environmental Protection Agency (EPA), who then introduced Chairperson Zonetta English. After the introduction, Ms. English welcomed the attendees and reviewed the minutes from the December 04, 2001 meeting, which were approved as submitted, with no opposition.

Mr. Kantor introduced the committee members and reviewed the Environmental Laboratory Advisory Board Charter. Ms. English introduced herself and took attendance roll call, reviewed the Agenda, and commenced the meeting.

TOPICS OF DISCUSSION

Status of ELAB Recommendations

Mr. Jerry Parr, Dr. Mark Marcus and Ms. English will review the recommendations for appropriateness and applicability and report back to the ELAB. This discussion has been deferred until the next scheduled teleconference.

Status of NELAC and its Restructuring

Ms. English reported that no NELAP Accrediting Authority applications have been received by Ms. Jeanne Hankins. She also reported that the EPA will become a NELAC Accrediting Authority.

Reference was made to an American Council of Independent Laboratories (ACIL) trade association letter to Ms. Hankins regarding an apparent conflict of interest. The ELAB will address the list of laboratory concerns. Ms. Hankins will distribute a copy of the ACIL letter to the ELAB participants. It was recommended that an observer from a commercial laboratory participate in the approval of the EPA as an Accrediting Authority. As a group, it was agreed to postpone working on this until Ms. Hankins receives a response to a letter she will direct to Mr. Bob Wyeth regarding this issue.

A question was raised as to renewal time frames and whether this was more of a NELAC function rather than the Accrediting Authority Review Board (AARB). It was noted that in the past, Regions made recommendations for time frames but they were rejected. Ms. Hankins will have the ELAB discuss extensions if the EPA cannot complete the evaluation process for application. It was recommended to request that the Chapter 6, Accrediting Authorities Committee resolve this issue. Dr. Topudurti will take the lead for members to review and discuss at next conference call.

Update on Action Items from 12/04/01 Meeting

ELAB will provide information about the recommendations we received regarding the action items and send a letter to the EPA requesting clarification on the NELAC restructuring and rules governing the Federal Advisory Committee Act (FACA).

NELAC Restructuring - ELAB's Role

Ms. Hankins reported that the Transition and Program Policy & Structure committees meet regularly regarding the restructuring of NELAC. It has been recommended that NELAC be divided into two functions. The first being a Standards Development Group with full membership participation and voting privileges by private, state and federal members. The second will be the Standards Adoption Group with state and federal membership only. Both groups would function independently from one another with the Standards Development Group being funded outside of the EPA and the Standards Adoption Group funded by the EPA. It was also reported that the Program Policy & Structure Committee has been focusing on the Constitution and Bylaws for both groups. Both Transition and Program Policy & Structure Committees will meet face-to-face in Dallas, TX the first week of March 2002 to further develop this concept. It was suggested that Dr. Paul Kimsey of the Transition Committee and Dr. Kenneth Jackson of the Program Policy & Structure Committee be invited to join the ELAB teleconferences to provide NELAC restructuring status.

A question was raised as to what the ELAB specific tasks should be regarding the restructuring of NELAC. Ms. Hankins recommended reviewing the joint report by the Transition and Program Policy & Structure and the draft Constitution and Bylaws to ensure that both committees are progressing in the right direction. The report should be made available shortly after the meeting in Texas and when the report is made available, Ms. Hankins will distribute the report to the ELAB members.

Dr. Gearhart referred to the committee action item #7. Dr. Jackson suggested that the ELAB consider forming a work group to solicit involvement of small laboratories to review the Standards for anything else that could be added to encourage an increase in small laboratory involvement. There are comments in the Federal Register Notice (FRN) to this effect. It was suggested that the issue of documentation could be one way the laboratories could be more involved and ELAB should focus on this issue. It was recommended and agreed that Mr. Kantor will inquire whether the small laboratories would like to participate in this ELAB and report back to this Board. He indicated that there are representatives from the environmental activist and academia groups that are interested in joining ELAB.

A discussion ensued as to whether there is a distinction in the Standards between treatment of small laboratories versus big laboratories and whether some of the NELAC Standards were too stringent or unreasonable. The ELAB needs to understand what the problems are and determine if they can facilitate a resolution. It was recommended that the applications for laboratory certifications should be reviewed to determine whether they are proportionate, too expensive, no rate of return, and whether any particular group is avoiding that. Mr. Kantor will have the EPA formulate a question regarding ELAB advice regarding the small laboratory issues. Current NELAP Accrediting Authorities will be available to address questions at NELAC 8 during an off-hour event. There is a need to determine what barriers are hindering small laboratory participation.

Mr. Pletl of Hampton Roads Sanitation District suggested that there should be small laboratory participation on the NELAC standing committees to help deal with problems on a real-time basis. He felt there is a fuzzy boundary on what number of personnel constitutes a small laboratory. By having small laboratory representation on a standing committee, their perspectives would be put forth. It was stated that Virginia is proposing to make NELAC standards mandatory, adopted through regulations in the Fall of 2002, with two years for laboratories to come into compliance. Virginia has 50 commercial laboratories but 1,000 small municipal and industrial laboratories that must meet those standards, understanding that the driving force is to accommodate commercial labs operating in multiple states. Other issues were not taken into consideration when the Standards were developed. Virginia has a two-tiered program but it boils down to being very similar to NELAC. It was recommended that NELAC could provide guidance, outlines for documentation, forms, formats, etc., which would be very helpful.

Ms. Hankins stated that the identification of tools to assist in this process is on the agenda to be discussed by the Regulatory Coordination committee at this time. In anticipation of the restructuring of NELAC, it was suggested there may be a better opportunity for the small laboratories' participation in the Standards Development Group.

Mr. Jerry Parr took the action to make contact with the various state laboratory associations to solicit recommendations regarding the tools NELAC could provide to guide the small laboratories (systems, documentation, forms, Standard Operating Procedures, training courses, etc.). It was recommended that this topic be raised during the March ELAB teleconference to Drs. Jackson and Kimsey to consider this issue while restructuring is in development.

Mr. Pletl Suggested that the standard committee policies do not cover membership from municipal and industrial laboratories. Mr. Pletl was requested and agreed to summarize his suggestions and comments regarding the issues and forward them to Ms. English.

NEW BUSINESS

Mr. Kantor met with Mr. Tim Shear and Ms. Vicky Ellis of the EPA for clarification of the ELAB role. Ms. English stated that there are three tiers; (1) ELAB Charter, (2) subcommittee, and (3) draft paper work group. ELAB members are able to work with any group, however, only as the Board can make recommendations to the EPA. Ms. English is working on a Frequently Asked Question (FAQ) document for review and adoption at the next teleconference and for approval by Mr. Kantor.

A question was raised as whether ELAB should be reviewing the Cross Media Electronic Reporting and Recording-Keeping (CROMERR) Rule and how it affects the small laboratories. A subcommittee consisting of Ms. Elaine LeMoine, Mr. Robert Wyeth, and Mr. Peter Spath will summarize the rule and distribute to the ELAB membership for review at the next teleconference.

ADJOURNMENT

There being no further business, the meeting was adjourned.

NEXT TELECONFERENCE

The next scheduled teleconference is Wednesday, March 20, 2002, at 11:00 a.m., EST.

ACTION ITEMS
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING
FEBRUARY 20, 2002

Item No.	Action	Date to be Completed
1	Ms. English proposed that members simply review the previous recommendations and discuss those issues that are still active at the next teleconference.	01/28/02
2	Mr. Parr moved to have an ELAB subcommittee start this week to draft an appropriate letter to send to the EPA Administrator that captures all the discussion points.	ASAP
3	Mr. Parr moved to schedule ELAB to meet to review this draft letter.	Ongoing
7	Dr. Jackson suggested that ELAB consider forming a work group to get the involvement of small laboratories to look at the Standards to see if there is anything else that can be done to increase their involvement.	Ongoing
8	All members volunteered to review previous action items and update all the open ones.	Ongoing
9	Review and status of ELAB recommendations (Marcus/English)	03/20/02
10	Renewal timeframes of applications review and status (Topudurti)	03/20/02
11	Invite Dr. Jackson and Dr. Kimsey to ELAB teleconferences for Restructuring status report (Hankins)	ASAP
12	Inquire into small laboratory participation in ELAB (Kantor)	03/20/02
13	Contact state laboratory associations to solicit recommendations regarding the tools NELAC could provide to guide the small laboratories (Parr)	03/20/02
14	Submit suggestions and comments regarding membership from municipal and industrial laboratories in ELAB to Ms. English (Pletl)	ASAP
15	CROMERR Rule review, prepare and distribute summary to ELAB for discussion at next teleconference (Wyeth/LeMoine/Spath)	03/20/02

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ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING
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